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THE DUTY OF CITIZENS

IN THE

PRESENT CRISIS.

135.

The real Enemies of a free State, are such of its own Citizens as undermine its Liberties.

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1793.

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MVSEVM
BRITAN
NICVM

ADVERTISEMENT.

THE Addreſs which forms the firſt pages of this work, was written for one of the late popular meetings. As many Gentlemen who then deſired to become ſubſcribing parties, have ſince requeſted copies, it is now preſented to them with elucidations.

THE

DUTY OF CITIZENS, &c.

SECTION I.

ADDRESS TO THE PEOPLE OF ENGLAND.

WE who now addreſs ourſelves,—to the People of England,—as an argument for a juſt claim to attention, begin by declaring, that we are not men enliſted under any political banner, or poſſeſſed of either place, penſion, or emolument from Government; conſequently, we cannot be actuated by motives of private intereſt, or political influence; but pride ourſelves on having a nobler ſtake depending than either politics or patronage can beſtow,—our unalienable Rights as Engliſhmen; ſecurity of Perſon and Property—Liberty—our Kindred, and our Country!

Theſe it is our duty to protect againſt lawleſs invaders. Such a ſtake is indeed ſacred! and although it be ours only in common with every individual, yet our being the Fathers of numerous Families, by giving us a manifold and important riſque in the ſerenity and proſperity of the State, inveſts us with the more indiſputable right to exert our utmoſt abilities, and to invite all reaſonable perſons to join with us, in conducing to the peace and good order of the Kingdom; and in ſupporting, with united efforts, its preſent Conſtitution of King, Lords, and Commons, thoroughly convinced, as we are, from the experience of ages, and the ſurvey of ſurrounding States, that no other Conſtitution, of whatever denomination, found in the page of hiſtory, has been more effectually calculated to afford the ſame Bleſſings of Liberty, Security, and Protection! Perfection is not the lot of human nature, but as near it as human inſtitutions

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can, the well digeſted Theory of our Conſtitution has approached: a Conſtitution, which Britons have contemplated, with an honeſt pride, as the juſt object of their own glory, and the envy of the European world!

This Fabric of Liberty,—this Monument of our Security, we well know to have been the progreſſive work of ages, effected by men of profound wiſdom, and unſullied integrity. Theſe Stateſmen, ſo able, and diſtinguiſhed, did alſo adopt every wiſe precaution to furniſh individuals, in caſes of wrong, with the means of redreſs: And, therefore, as political defects ariſe, or abuſes are introduced, by the excellence of a Conſtitution, formed of three equal Eſtates, relief may be always at hand. Theſe three Eſtates, of *diſtinct* intereſt, and of *equal* power, were deliberately formed to act on a Syſtem eſtabliſhed on the jealous prin-

ciple of "Check upon Check," that in all caſes of encroachment, error, or abuſe, each might correct the other; and preſerve the well balanced order of the State. And, by which means, we poſſeſs the valuable Right of always controuling the PRACTICE of this our beautiful THEORY;—a Right, which, in all emergencies, has been happily exerciſed, and can be effectually reſorted to;—a Right, from which we ever have, and muſt always find relief; equally well adapted to repel injury, and to court the improvements of wiſdom and experience. And, here, let us remind our Countrymen, (of what nothing but a miſtaken infatuation can ever cauſe them to loſe ſight) that, out of three, the People already poſſeſs *one equal part of the national Sovereignty*; conſequently, are in themſelves, through the medium of their Repreſentatives, the Houſe of Commons, one perfect branch of the Government, equal in power,

dignity,

dignity, and influence, with each of the other two eſtates ſeparately taken, and entitled, on all occaſions, even to put a negative on the proceedings of either or both.

By theſe wiſe precautions are our Liberties, Lives, and Property, ſecured from the invaſion of tyranny or deſpotiſm :—bleſſings that are not enjoyed under any other form of Government! Let not, therefore any claſs of Britons ſuffer themſelves to be deceived into an opinion, that they are deſpiſed as Cyphers in the STATE, it being the PEOPLE only whom the Legiſlature can acknowledge in the perſons of their Repreſentatives—the WHOLE HOUSE OF COMMONS, from amongſt whom, even the MINISTERS of the COUNTRY, are generally appointed for the expreſs duty of guarding and preſerving their Rights and Privileges:—and ſo long as this important

branch of the Legiſlature—the Houſe of Commons, ſhall preſerve its own Dignity, and Independence, by faithfully adhering to the true principle and ſpirit of its inſtitution, it is morally impoſſible, even admitting that at intervals they may be ſubject to ſome partial invaſion, that the RIGHTS of the PEOPLE can ever be annihilated.

Such is the admirable Conſtitution bequeathed to us by our anceſtors, under the moſt ſacred injunctions to preſerve it:—and as human efforts were inſufficient to ſecure it from the ravages of time, and the encroachment of error, and abuſe, they wiſely and expreſsly provided the People with the power of correcting them, through the medium of the Houſe of Commons, who are not only perfectly competent, but muſt feel it to be their firſt duty, and trueſt intereſt, to preſerve the ſacred and eſſential balance of the State.

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Let us now advert to ſome of the ſtrong Pillars of our protection,—the Safeguards of our Freedom. We have Magna Charta for the Baſis of our Liberty. The Habeas Corpus Act to preſerve us from unjuſt impriſonment. A Grand Jury, formed from among OURSELVES, to ſecure us from unfair, or unneceſſary proſecutions. And petty Juries, formed alſo from among OURSELVES, to protect us againſt unjuſt puniſhment in Criminal Caſes, and againſt wanton deprivation of property in Civil. If diſſatisfied with the deciſions of theſe Juries ſo choſen, we have the means of appealing to other tribunals equally well calculated for Relief againſt oppreſſion, and even againſt error: and, laſt of all, we have the benefit of applying to the Benignity of a Throne which we OURSELVES have conſtituted, for that mercy that inexorable Juſtice could never grant: yet, this mercy,—this power of pardoning—this laſt Refuge of unhappy Crimi-

nals, is the only judicial inequality or ſuperiority which the monarch poſſeſſes over either of the other two Eſtates.

Let not, therefore, any jealouſy or tenaciouſneſs of power, (feelings but too natural to human nature,) delude the good ſenſe of Engliſhmen to deceitful Phantoms artfully placed between us and the ſolid bleſſings in our poſſeſſion! The power of the monarchical branch of the Legiſlature over the other two, and that wiſely created by OURSELVES is no more than the Power of HUMANITY, of BENEVOLENCE, and of REWARD—the Power of doing GOOD!—Whence then any apprehenſion of Injury?—Yet, great pains have been taken, and alarm induſtriouſly propagated to ſet the King and the People at variance with each other! And the example of a neighbouring Nation has been held out to us for this very purpoſe. We preſume neither to queſtion, or to condemn,

demn, where we cannot poſſibly have a right to judge. As Citizens of the world, we wiſh Peace and Proſperity to France, and to all Nations! But, one great truth muſt be obvious to ALL; and that is, *the utter impoſſibility of the example of France being ever fitted to England.* The French did not, like ourſelves, poſſeſs the bleſſings of Freedom: the Yoke of deſpotic Laws, the interpretation of which was committed to Judges who corruptly purchaſed their places by public auction, had galled them to DESPERATION; and they have the inexhauſtible Reſource of an immenſe Territory, which may *poſſibly* prove competent to the Support of their whole Nation; and on their own principles. Whereas ours, is ſo limited and circumſcribed, as to dictate the *abſolute* Neceſſity of reſorting to NAVIGATION, COMMERCE, ARTS, and MANUFACTURES for SUPPORT!—It is then manifeſt, that were theſe our neceſſary reſources neglected, or deſtroy-

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ed by convulſion, tumult, or any other cauſe, we muſt be driven to the ſavage, naked condition of our anceſtors: and ranging the foreſt for food, muſt ſubſtitute *Paint* for *Cloathing*; and become a helpleſs prey to the firſt foreign tyrant who might chuſe to invade our little Iſland, and fix our doom!— Ye, therefore, who are Fathers, or mean to be ſo, ſacrifice not your riſing generation, nor endanger the peace and future happineſs of our much envied nation under its preſent provident and protecting Conſtitution, to any temporary deluſion, or viſionary ſchemes of reſtleſs individuals, whom jealouſy, paſſion, or envy, render blind to the ſocial benefits which they attempt to interrupt!

We learn with grief, the preſent anxiety and alarm. We truſt that they are not only premature, but will appear to be wholly without cauſe. However they may have been diffuſed, when we find the peace of

Society

Society diſturbed, and domeſtic ſecurity threatened, it becomes the duty of all good citizens to unite in exertions to preſerve them: and to endeavour, by an union of minds and intereſts, to form a ſtrong and protecting ſhield againſt growing Virulence and eventful Convulſion. We, therefore, moſt ſolemnly invite, All the REASONABLE and WELL-DISPOSED PEOPLE OF ENGLAND, to join in ſupport of the KING AND CONSTITUTION, as ſettled at the Revolution. In this caſe, we know no diſtinction of Party: for, however Parties may differ on ſubordinate points, we are confident there cannot be a difference on theſe fundamental Principles.

Our liberal-minded Countrymen will not ſuppoſe, that we have any other inducement to make this invitation to "UNION AND GOOD ORDER," than that of having

ing a ſimilar Intereſt in the State with themſelves: but, they will remember, that it is the call of Britons, proud and tenacious of their Liberties—jealous of their Birth-rights—affectionate to their Kinſmen—and hoſpitable to all mankind! That it is a call to incite them to preſerve thoſe reſources, which have produced ſo many ineſtimable Bleſſings,—ſo much real Liberty and true happineſs to Britons,—and have made them the admiration and envy of the whole world: that it is, in fact, the Call of THEMSELVES:—the Call of their KING and COUNTRY:—that it is the Call of their CHILDREN, and all who look up to them for PROTECTION;—of every pledge they hold moſt ſacred!—It is indeed a Call ſo ſacred, that were our Anceſtors to ariſe from the Grave, it would be to ſet the example of OBEDIENCE, and to reproach thoſe who ſhould fail in that indeſpenſable duty. Surely it muſt have been their laſt

awful

awful injunction, to preſerve this holy Bequeſt of liberty perfect and unſullied to the lateſt poſterity! Theſe are the principles on which we apply to your feelings as Britons, and to your allegiance as Citizens and Subjects.

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SECTION

SECTION II.

OF THE GENERAL SUBJECT.

THE foregoing Addreſs was intended for the Preſs previous to the meeting of Parliament, when the public mind laboured under much dark agitation, and every individual was tempted to regard his neighbour as a traitor to his Country, and an enemy to the good order of ſociety. That alarm has now ſubſided, and appears to be followed by a general amazement, that the cauſe ſhould ſo ſuddenly have vaniſhed: but, every true friend to the Conſtitution muſt rejoice to obſerve, that it has demonſtrated—what never ought to have been ſeriouſly doubted, that neither contrivance nor plot can ſhake the loyalty of Britons; that their ſpirits once rouzed and united, they dread not a combination of the whole world; that to diſturb the welfare of theſe united Kingdoms, is, internally, as difficult

cult, as externally, the attempt would be formidable and hazardous! that Great Britain is inhabited by good Citizens, whoſe character for moderation, firmneſs, and good fellowſhip, are not to be diverted from the true intereſts of the State, of which they are the real ſupport; that their loyalty and attachment to the Houſe of Hanover bid defiance to ſuſpicion; and that his Majeſty reigns in the affections of the people, notwithſtanding the pains which have induſtriouſly been taken to ſet them both at variance.

Such is the conſtruction of the late rumoured inſurrections of the people!—Such is the tower of ſtrength on which his Majeſty can always ſafely rely in the hour of doubt, difficulty, and danger! Such too are the true features and delineations of the faithful Citizens of theſe united Kingdoms; and on which I have the happineſs to congratulate

congratulate my country!—Fidelity thus tramples on ſuſpicion, and real attachment inſtantly extinguiſhes imaginary diſaffection!

Thus we ſtigmatize all ſuch ſlanderous imputations, and expoſe the dark deſigns of hypocriſy and corruption, and openly declare to the world, "that the PEOPLE, can never have an intereſt in diſorder."

With ſorrow, I afterwards learnt, that under a falſe impreſſion, and as if this declared ſenſe of the people were ſtill doubted, one of our Repreſentatives in Parliament, had ſignified an intention of moving for a partial ſuſpenſion of the *Habeas Corpus* Act, an intention juſtly reprobated by that firm admirer and ſupporter of our Conſtitution; that vigilant and incorrupt Stateſmen, the "FRIEND OF THE PEOPLE," whoſe pride is to merit their eſteem, and whoſe life

life has been devoted to the defence of their Liberties.

The bare ſuggeſtion of ſuch meaſures, and the general ſtate of the Empire, induces me to obtrude on my Fellow Citizens, a few admonitions reſpecting the duties the Common-weal impoſe, and which, in my opinion, the ſociety, in which we live has a right to require at the hands of each of us, being all equally intereſted to maintain and preſerve the bleſſings we derive from it: duties, which it is not merely neceſſary to acknowledge; we ſhould act up with ardour to the principles they profeſs.

I have already endeavoured to attract an attention to ſome of the ſtrong pillars of our conſtitution, which form the ſafeguards of our liberties. Theſe are,

1. One equal part of the National Sovereignty of this Nation compoſed of the People in the WHOLE HOUSE OF COMMONS.

2. The HABEAS Corpus Act, to preſerve us from wrongful impriſonment.

3. TRIAL BY JURY—to ſecure us from unneceſſary proſecution, and to protect us againſt injurious deciſions.

To them I ſhall now ſubjoin as inſeparably connected,

4. THE LIBERTY OF THE PRESS: and as far as I can collect from the general declarations lately publiſhed by aſſociations, what the mind of the people is moſt directed to,

5. The reviſion and ſimplification of the LAWS OF ENGLAND.

It is not my intention to enter into an hiſtorical detail of theſe ſeveral articles, of their origin and progreſs, or the means by which they have been gradually matured into elementary principles, forming, as they now do, the Conſtitution. My deſign is only to induce my fellow-citizens to give their own aid to perform thoſe individual duties, on the punctual and faithful diſcharge of which, the very preſervation of thoſe bleſſings which our conſtitution diffuſes among us ſo materially depends. Theſe duties are ſo important to every order of ſociety and each department of the ſtate, that no good citizen ought ever to decline them: yet, it is to be apprehended, that many of the abuſes, or inconveniencies, now alledged to have crept into the practice of Government, may be fairly traced to our own indifference and neglect. As to a deſign, that ſurely is impoſſible; ſince the very people who feel theſe alledged inconveniencies are to be found in each exe-

cutive department of the ſtate; and without whoſe knowledge and connivance, the encroachments now thought to be injurious, or to bear hard on the ſubject, could not poſſibly have continued. It is only by the aſſiſtance of the people that the reſponſible executive officers of the ſtate are enabled to perform their important functions; and were they to withold their ſervices, which common intereſt and honeſty forbid, there muſt ſoon be an annihilation of the Government. Therefore, as the happineſs and welfare of our country, and the domeſtic comforts we poſſeſs, abſolutely depend on the faithful ſervices of the people, my conſcience tells me, I am not only juſtified, but that it is a duty which allegiance to the conſtitution demands, to offer the following obſervations.

SECTION

SECTION III.

HOUSE OF COMMONS.

IT has been already ſtated, " that nothing " but a miſtaken infatuation can ever cauſe " us to forget, that out of three, the people " already poſſeſs one equal part of the na- " tional Sovereignty, through the medium " of their repreſentatives the WHOLE " HOUSE OF COMMONS."—This is clearly, as great a ſhare of the legiſlature as they can, conſiſtent with their own happineſs deſire: and, when properly underſtood, their good ſenſe cannot fail to convince them, that their true intereſts poſitively forbid more. This Houſe of Commons is wholly compoſed of the people, whoſe free choice of its members individually, certified under their own act, is the only *fiat* under which the ſolemn oaths of allegiance, ſupremacy, and fidelity, can be adminſtered; or any member admitted to a poſſible means of neglect-

ing, or betraying the truſt of the people, or ſuffering any encroachment of the truſtees of the executive authority on the privileges of the ſubject. Nothing can conſtitute an act of the legiſlature which has not this conſent of the people: no tax or money can be levied: no military or naval armaments maintained,—nor mutiny and deſertion puniſhed, without ſuch conſent expreſsly and annually obtained: or, in other words, without their verdict as a national Jury of the People, "that it is right and ought to be done." And thus in every queſtion which can be agitated either in that houſe, or by the other branches of the legiſlature, this national jury muſt firſt approve the meaſure before it can be adopted: and if for argument ſake, we admit their judgment on any point to be erroneous, it muſt then undergo the rigid ſcrutiny of the other two co-ordinate branches, poſſeſſing alſo the diſtinct property of Juries which our conſtitution has wiſely deſigned,

to

to correct: ſo that by the vigilant exerciſe of this principle of each jealouſly checking and controuling the other, the individual branches poſſeſs as much power, as can be exerciſed with ſafety and benefit either to themſelves, or to the whole. And hence my concluſions, that the true intereſt of the people of England poſitively forbids their poſſeſſing a larger ſhare in the legiſlature than the happy conſtruction of our preſent conſtitution allots them—"and ſo long "as their Houſe of Commons ſhall preſerve "its own dignity and independence, by "faithfully adhering to the true principle "and ſpirit of its inſtitution, it is morally "impoſſible that the rights of the people can "ever be annihilated."—

This naturally induces the queſtion, What is the end of this Inſtitution, and in what does its principle and ſpirit conſiſt? That it ſhould be compoſed *wholly of the people*, and

be a pure, unbiaſſed, and independent controul *in behalf of the people*, neither encroaching on, nor ſuffering encroachment; and, in its actions, neither knowing nor being known, by either of the other two eſtates; neither ſubmitting its conduct to influence, nor permitting interference; but, aſſiduouſly and unceaſingly watching, guarding, and preſerving this valuable and dignified ſpirit, founded on the natural rights of the people. It is the firſt duty of our Repreſentatives in their truſt, rigidly to preſerve this independent and well balanced order, under a fixed ſyſtem of diſtinct and jealous dignity, which forms repellants little ſhort of declared hoſtility towards the other two eſtates: for the moment they ſuffer this vital principle to be uſurped or infringed, the deſign of the inſtitution is ſubverted and diſordered; their independence and dignity are loſt; the whole fabric of the conſtitution, by the deſertion of its appointed guardians, is in danger of being ſacrificed;

and

and under a continuance of mere form, the people no longer repreſented, are reduced to ſilent ſubmiſſion under arbitrary authority.

Thus, I conceive, the end of this Inſtitution is, a general guardianſhip for the people againſt arbitrary power, as dictated by wicked, tyrannical, and ſanguinary uſurpations, during the ſuperſtition and ignorance of paſt ages; and which our patriotic anceſtors determined it wiſe, poſitively, and for ever, to prohibit, by eſtabliſhing an Houſe of Repreſentatives with power, not only competent to its own functions, but qualified, as every body knows, by withholding pecuniary ſupplies, to dictate to the other two Eſtates, whenever the condition of the State ſhall demand it.—And, on the other hand, all the acts of this branch of the Legiſlature being aſſented to by the other two (provided they are ſuch as do not militate againſt the conſtitution),

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are binding on the people; and, thenceforward, it becomes their duty, rigidly, faithfully, and implicitly to ſubſcribe obedience, and to render their perſonal ſervices for the accompliſhment of the compact. Hence, the importance of this Houſe to the People, and the neceſſity of the free, and judicious, choice of its members: hence, the ſource of that jealouſy with which their conduct is ſo accurately ſcrutinized; and of the expedience of ſuch vigilance being inceſſant in its operation; hence too ſhould be deciſion of judgment; ſevere and unrelenting reſentment towards ſuch of their national Repreſentatives as fail in their duty.

How far our Houſe of Repreſentatives is at preſent, what the ſpirit of the conſtitution demands, or whether it requires an immediate Reform, is a ſubject, of which I ſhall not enter into minute diſcuſſion, as that would be encroaching on a department already engag-

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ing the moſt diſtinguiſhed characters of this kingdom, whoſe brilliant talents, and political integrity, can only be equalled by their ardent zeal for the public good; and by that exemplary moderation with which they proceed in aſſuming a duty of ſuch eſſential moment to the liberties of the people; and which too had been before moſt ſolemnly promiſed by others, yet nevertheleſs, precipitately abandoned, as ſoon as the means were obtained of fulfilling the engagements they had entered into.

On this point therefore, I ſhall only add, my mite of applauſe to the "FRIENDS OF THE PEOPLE," for their honeſt and aſſiduous ſervices in the preſervation and maintenance of our happy conſtitution; nor is it a ſmall ſtep towards their ſucceſs, that the elective franchiſe poſſeſſes one advantage over all other property, that its benefits are not leſſened by being diffuſed to plurality of

of objects; for no one man can be injured in his privilege of voting by its being extended to another. By thus multiplying the right, and by limiting elections to one and the ſame day throughout the kingdom, a fair proſpect is afforded of diminiſhing conteſt, of annihilating bribery and corruption, and other undue influence, and of ſatisfying the public mind, that our HOUSE OF COMMONS actually is—what it ought to be,—the REAL and GENUINE REPRESENTATION of the PEOPLE.

SECTION IV.

HABEAS CORPUS ACT, TO PRESERVE US FROM WRONGFUL IMPRISONMENT.

ARBITRARY impriſonment has, in all ages, been a ſummary mode of diſpoſing of individuals, whether obnoxious through popularity, or any other cauſe. It has been

been found convenient to promote the dark purpoſes of men perverting diſcretionary authority, into miniſterial intrigue; and for the moſt part finds a veil in a blind ſubmiſſion to general confidence. The hiſtory of all ſtates furniſhes but too many examples of ſo nefarious a practice. And this general hoſtility againſt human liberty has pointed out the neceſſity of providing ſtrong entrenchments to ſecure it. Our anceſtors, afflicted and tortured by the ſeverities of oppreſſion, were early rouſed to ſeek a remedy, and they have left us the valuable privilege of Habeas Corpus, as the glorious monument of a triumph over deſpotiſm. From that moment it has been decided, that the perſonal liberty of Britons ſhould no longer be at the diſpoſal of diſcretionary power. It is, therefore, our duty to preſerve this glorious reſtitution made us for all the blood and treaſure expended in the conteſt. Our laws ſo amply afford us the means of doing

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ſo, that no cauſes, ſhort of that extreme neceſſity created by an actual foreign invaſion, —or internal rebellion, in which the ſafety of the ſtate is likely to be ſhaken, can at any time juſtify its ſuſpenſion. There is at preſent not a ſhadow of the appearance of any inteſtine diſturbance; to aſſert otherwiſe, would be a libel on the people; and the groſſeſt calumny.

State neceſſity never dictates but on a principle of ſelf preſervation:—to remedy or provide againſt exiſting evils, not to create them; nor can any ſtate be intereſted in the deſtruction of itſelf. The Liberty of Britain is her only baſis founded on Magna Charta: and any doctrine to perſuade Britons, that the Conſtitution would ſtand when Liberty was deſtroyed, would be an inſult. That Liberty muſt be laſting and immutable; alike ſacred to all men, but more eſpecially ſo to thoſe in power, who are purpoſely placed

placed on duty to guard it even from the breath of invaſion :—nor would Britons endure a law, rendering it liable to inſtability, or ſuch occaſional modification as the crooked policy of any exiſting adminiſtration might capriciouſly determine: if it were ſo, this only diſtinction between a free ſtate and a land of ſlavery, might ſoon be removed, and Liberty reduced to a mere inſulting paſsword for treacherous impoſition. In this light, the privilege of Habeas Corpus muſt be more zealouſly guarded againſt contingent modification than any other, becauſe more liable to fall a ſacrifice to the inroads of power. The other component parts of the Conſtitution poſſeſſing repellants, contribute to ſupport each other againſt injury or invaſion: but the Habeas Corpus ſtands, as it were, ſingle and detached, and finds no aſſiſtance from the reſt but in the precarious iſſue of the law; after a miſchievous aſſault has been ſuſtained.

The

The ſuſpenſion of the Habeas Corpus act, is an explicit declaration, that the ſalutary law which preſerves perſonal liberty againſt wrongful impriſonment, ſhall be temporarily repealed; and that any citizen may be deprived of his Liberty at the diſcretion of an officiating magiſtrate; and, however flagrant the injuſtice, without the power of reſorting to the Habeas Corpus for relief, or as the means of knowing the offence alledged againſt him.

It is true there is no appearance of ſuch a declaration at preſent: but a partial ſuſpenſion has been in agitation when it was wrong and unneceſſary. For if a falſe alarm is to occaſion a diminution of our privileges, what may not be juſtly apprehended, ſhould a convulſion take place in the ſtate, through unwiſe, erroneous, or unſucceſsful meaſures, in times too portending events of which no human judgment can foreſee the end?—Any partial ſuſpenſion wantonly reſolved on, can only

only foretell a general one;—the next gradation would be a total abrogation. It is our indiſpenſable duty to avert this. It ſhould too be the firſt care of our agents in parliament to guard not that alone, but all our liberties, with vigilance and unceaſing jealouſy. We depute them to repreſent us with limited powers, and theſe are expreſsly reſtricted to our benefit. We have no where given them an authority, either directly or implied, to deprive us of our franchiſes*. It was with ſevere ſtruggles they were

* Blackſtone. Vol. I. p. 161, Ninth Edition, ſpeaking of Parliament—" It can change or create afreſh, even the " Conſtitution of the Kingdom, and of Parliaments themſelves, as was done by the act of Union, and the ſeveral " Statutes of triennial and ſeptennial Elections." As the celebrated author of the Commentaries was too conſtitutional to inſinuate a charge of public coercion or uſurpation againſt any of the three Eſtates, he could only mean to veſt ſuch extraordinary powers in the parliament, certain that they would never be enforced but at the expreſs inſtance and unequivocal ſenſe of the nation at large; and muſt wholly concentre in that excluſive privilege which enables the People, by their Houſe of Commons, to dictate to the other two Eſtates.

acquired, and our laws have ordained, that they ſhall not be eaſily parted with. This can only be done by the general and unanimous conſent, not only of the whole people of theſe united Kingdoms, but by the concurrence of the other two co-ordinate Eſtates, equally the truſtees of the People. To ſuſpend the Habeas Corpus unneceſſarily, therefore, would be to betray us, and diſgrace themſelves. — It would be impoſing a moſt ſerious and alarming grievance; and one that the laſt neceſſity only, ariſing from ſome public convulſion, could juſtify; a neceſſity which does not at preſent exiſt. Are the good people in a ſtate of Rebellion, as has been moſt wickedly inſinuated, who daily manifeſt their loyalty by open and declaratory acts? Or are we invaded by a foreign enemy?

In order to be enabled to act up to the principles of veneration which we profeſs for the

the Conſtitution, we ought not to ſuffer any indifference for it, under a blind confidence in men, inſenſibly to poſſeſs us *.— It belongs to us, to ſee that they perform their functions. And it may be conſidered as a misfortune, that the generality of the world, pleaſed with indolent ſecurity, are ſatisfied to partake of the benefits of ſociety

* The Decemviri of Rome were choſen from among the moſt diſpaſſionate, unambitious citizens, to compile a code of laws for the uſe of the people, and were entruſted with abſolute power over the Commonwealth. In private life they were men of auſtere morals, rigid integrity, and mild diſpoſitions; and it was with much difficulty, and not without apparent reluctance that they could be prevailed on to accept the truſt: yet ſoon afterwards, inebriated with power and the advantages of office, they openly threw off the maſk, and became ſo odious for their tyranny, that in the third year after their creation, the people were ſo highly exaſperated as to demand them from the Senate in order to burn them alive."

This was no more than the ordinary effect of a too ready confidence in their intentions and ſervices, and a blind reliance on their integrity and moderation; and it teaches us at leaſt, that we ought not always to ſleep, becauſe we have a ſtationary watch on duty.

without any participation of the hazards and ſervices by which they are acquired, or intereſting themſelves in the means by which they are to be preſerved. This indolent ſecurity and unſuſpecting confidence, has proved one of the ſharpeſt thorns in the ſide of human happineſs. For power not leſs the inſtrument of general miſchief than the guardian of public benefit, ſhould be conſidered only as the ſacred ſtock of the community; and even when moſt neceſſary, but temporarily delegated to individuals for a ſpecial ſervice; and like arms diſtributed among citizens for the occaſional defence of a ſtate, to be returned as ſoon as a ſpecific duty has been performed. In a criſis like the preſent, when it is difficult to aſſume an alternative between civil confuſion and abject humiliation, it becomes the duty of every good citizen and well-wiſher to the Conſtitution, to watch the moment of error or danger; and when we behold meaſures adopted

which

which threaten to break down the ſtrongeſt barriers of human ſecurity, it behoves us to conſult and aſſociate for general protection, as the only means of averting convulſion.

It has been obſerved, that when we depute our Repreſentatives to parliament, we do not inveſt them with an authority to diſpoſe of or even to weaken our privileges. Were that authority to be granted in any inſtance, it might be practiced in all; and that conſtitution we ſo much revere, and the Liberties emanating therefrom, might in one day be ſacrificed to deſign or neglect, and this region of freedom, be converted into a land of ſlavery and deſpotiſm. While the Habeas Corpus retains its virtue, we ſleep in ſecurity: if not happy and contented, who can we reproach when we feel ourſelves placed beyond the reach of arbitrary diſpoſitions? But, this act once ſuſpended (which may be ſeriouſly apprehended ſhould we be hurried into Hoſtilities with

 France)

France) who is ſecure? Or what man can riſe in the morning and be certain, that he ſhall not paſs the enſuing night in a dungeon, or within the walls of an inquiſition, ſecreted from his family, not knowing where or how to call for relief? What father of a family is there to be found, whoſe chearful fire-ſide might not be ſuddenly turned into a ſcene of horror, ſhrieks, and mourning; their natural protector torn from his endearing ſtation?—

The extreme of neceſſity can only warrant ſo violent an outrage on the conſtitution. Let us, therefore, admoniſh our Repreſentatives in parliament, and recommend to them, as they value their own liberties, and revere our Conſtitution; as they regard their duty, and bear in remembrance the ſolemn oaths which enabled them to enter on their functions; and as they may expect to receive the future confidence of their Conſtituents,

not

not to conſent on any conſideration ſhort of the laſt neceſſity, that the Habeas Corpus Act ſhould be even for a moment ſuſpended.

The right of Electors to inſtruct their repreſentatives in parliament has been often debated, though the doubt of its exiſtence muſt aſſuredly be unfounded. Elſe, what means the privilege of a free-poſtage?—Whence its origin? But that the correſpondence on the duties of their deputation, ſhould not be ſubject to impediment? Were it otherwiſe, how could Members conduct themſelves, who are probably ſtrangers in the places they repreſent, and whoſe avocations in life have never afforded them the opportunity of attaining a knowledge of thoſe particular intereſts, which it is the object of their miſſion to promote? An elegant writer whoſe principles and philanthropy are as ſuperior to ſuſpicion, as to praiſe, ſpeaking of our Houſe of Repreſentatives, lays it down

as an axiom, " that the virtue, ſpirit, and eſ-
" ſence of it conſiſts in its being the expreſs
" image of the feelings of the nation."
What does this import, but, that, in the true ſenſe and ſpirit of a delegated truſt, our feelings are to be their feelings; our intereſts, their intereſts; and our inſtructions, their particular duty? Let us not then, at any time, be deterred from offering either uſeful inſtruction, or ſeaſonable admonition; or from motives of cenſurable delicacy, ſee them run wildly into error, or extremes; and, in the exerciſe of their functions, act with as much indifference towards their Conſtituents, as if they were treating about the private property of an eſtate, the live ſtock, and all its appurtenances. Every repreſentative, who knows his duty, and contemns not the hand from whence he derived his commiſſion, will court our aid, and pride himſelf on his obedience and his ſervices. And, I truſt, every good citi-

zen

zen who venerates the Conſtitution, will unite with me in deprecating any injury to this bulwark of our perſonal liberty, ſince his tranquillity and ſafety are more or leſs involved in it; and ſince the throne of theſe realms is never ſo ſecurely eſtabliſhed, as when ſupported by public freedom, and voluntary affection.

SECTION

SECTION V.

TRIAL BY JURY,

TO SECURE US FROM UNNECESSARY PROSECUTION, AND TO PROTECT US AGAINST INJURIOUS DECISIONS.

WHILST the eloquent and undiſmayed DEFENDER of the LIBERTY of the PRESS ſhall continue to plead:—Whilſt the faithful FRIEND OF THE PEOPLE, by defending our rights, continues to ſtrengthen our Conſtitution; to enlighten, and to charm his cotemporaries into the emulation of his example; and, whilſt we mentally contemplate that glorious monument, erected for the benefit of the people at the ſhrine of virtue, on which ſtands inſcribed,

The REDEMPTION
OF THE
RIGHTS OF THE PEOPLE,
FROM LONG INSIDIOUS USURPATION,
THE PROUD REWARD
OF
INTEGRITY UNSUSPECTED,
AND
TALENTS UNSURPASSED,

TRIAL

TRIAL by JURY, though long familiar to the willing ear of Britons, muſt continue to generate new veneration, even among them, and to impreſs diſtant nations with its purity, dignity, and importance; nay, even poſterity will be induced to rival each other in admiration, until the iron arm of ſome new found tyranny ſhall deface its beauty, or time ſhall be no more!

The tribute of applauſe being paid to the reſtorers of our long alienated right—"the "Power of juries to decide on both Law "and Fact, in proſecutions for Libel;"—and this brilliant conqueſt recorded in our hearts; our next object of conſideration is, the means of preſerving and handing the ſacred pledge down to poſterity, as perfect and untainted, as, in its preſent purified ſtate, we now receive it.

Beautiful as we behold trial by jury, in theory;

theory; and competent as it is to afford us all the bleſſings and advantages it promiſes; yet without our farther aid and ſupport, even this alluring fabric cannot long withſtand the inſidious attack—the undermining ſap, which deſigning men may, and, in all human probability, *will* attempt againſt it. We ought, therefore, not only to be thankful for its attainment, but gratitude requires that we ſhould deſerve it by our conduct.

Had Mr. Fox's Act been obtained thirty years ago, or had its principles been underſtood, and firmly acted up to, as became the duty of a People tenacious of their birthrights and privileges, how much poignant diſtreſs, undeſerved puniſhment, exorbitant fine, and loathſome impriſonment, would have been unfelt—how many unhappy Victims had not, in that period, fallen under theſe ſevere afflictions—a period, poſſibly of more importance to the Liberty of the Preſs,

the

the ſtate of civil government, and the general diſſemination of knowledge, than any of the ſame duration within the annals of Hiſtory? Though this may be a reflection more particularly applicable to men in the habit of committing their thoughts to the preſs, it is not, however, of ſmall importance for us to conſider the wounds which civilization has ſuſtained, as a means of preventing them in future.

Some attentions and ſupport this tranſcendant fabric muſt ever require; not the leaſt of which is an occaſional attendance to ſerve on juries. This is ſo eaſy to individuals, ſo reaſonable in itſelf, that a good citizen will bluſh at any remiſſneſs of which he may be conſcious.

Judge Blackſtone has told us, " that it is " the tranſcendent privilege of every Engliſh- " man, that he cannot be affected in either " his

" his Property, his Liberty, or his Perſon,
" but by *the unanimous conſent of twelve of his*
" *Neighbours and Equals.*" What benign comfort, what ſecurity of Liberty, Perſon, and Property, does the abſtract impreſſion of this doctrine imperceptibly inſtil into our minds; and how ſuperior does it teach *us to value ourſelves* over the inhabitants of other regions of the world, where trial by jury is unknown! Happy had now been diſtracted France, inhabited by twenty-five millions of people, could a Frenchman formerly, like ourſelves, have ſaid—" my Liberty, my Per-
" ſon, my Property are ſacred, until at leaſt
" twelve Frenchmen can be found unani-
" mouſly of opinion, that fact and law
" demand that I ſhould ſubmit to a depriva-
" tion of them." If, then, the preſent miſeries of Europe may be attributed to the want of that formidable rampart of the people's rights, the trial by jury, which I moſt cordially believe:—If we behold deſpotiſm

exerciſed

exerciſed in every ſtate throughout the world where trial by jury has not erected a ſtandard; and, if even in our own, where it is known "to be almoſt coeval with the coun-" try, and its very inſtitution to have given "birth to an imperfect conſtitution;" we find, that the mind of man, naturally prone to tyranny and uſurpation, had, in the courſe of time, ſo completely undermined its very eſſence, as almoſt to have reduced an empannelled jury to the mere ſkeleton of abject obedience to the expounder of the law.--How glorious then ought to be the exultation of Britons; and how perſonally grateful ſhould they feel towards their fellow-citizens, whoſe integrity, eloquence, and undiſmayed perſeverance, have reſtored to us this bleſſing; with the ſplendor and purity of its original intention!!—Such feelings ſhould convince us, that it is beneath the dignity of our character to ſhew an indifference, or a diſinclination to ſerve on juries; evaſions from which

which have been to my own knowledge, ſo frequent, as even to have afforded the opportunity and ſpecious plea for thoſe uſurpations of which we have hitherto had reaſon to complain.

To be ſatisfied that this is not an occaſional opinion, or ſome newly adopted principle, I hope it will not be deemed impertinent to aſſert, that ever ſince I have attained the age of qualification, I have never declined acting either as a grand or petty juror according to the citations I may have received; and though for many years entruſted with important public duties, I have never ſuffered either thoſe, or my own private concerns, of whatever nature they may have been, ſerve as pleas for the evaſion of this my firſt duty as an Engliſhman.

Next to the diſinclination of ſerving on juries, is another evil which has lately appeared

peared of no leſs dangerous tendency: I mean, that of the voluntary, though unintentional diſqualifications, to act as jurors, by means of ſignatures to parochial declarations, moſt loyally intended, and ſo far laudable; but certainly, in many particulars, infringing violently on our privileges; and even fatally propagating thoſe evils, which a miſtaken zeal might have hoped to diſſipate. It did not perhaps at firſt occur, that ſuch combinations violated the conſtitution by the erection of tribunals, inquiſitions, and inquiſitors, as odious in name every where, as arbitrary and illegal in practice. Who would not ſhudder, if but for a moment, conſidered as an inquiſitor? And yet, how many have voluntarily aſſumed that office! I will endeavour to illuſtrate this by adverting to ſome of the leading points of the declarations in queſtion.

1. One of the objects is declared to be, to aid the civil authority in quelling riots, tumults, &c. Is not this acknowledging, that the Executive Government is either inadequate to its functions, or that they are so badly administered, as to want the neceſſity of aid? And, is it not an aſſurance of the exiſtence of riot and tumult; to the truth of which, your declarations and ſubſcriptions are pledged. I muſt affirm it as a truth, that the powers poſſeſſed by the Executive Truſtees of this country, are more than competent to their duties; and, were it otherwiſe, I hope they are not ſo unwiſe to acknowledge ſuch inſufficiency by the acceptance of any ſuch offers. To pretend that the people are riotous and tumultuous, is a foul imputation—a groſs libel on them; and every one who loves the good order which prevails, and is ſatisfied of the competency of the Executive Government to diſcharge its functions, muſt conſider any

declaration

declaration to the contrary as deſerving ſevere reprobation.

2. Denunciations are iſſued againſt the circulators of all ſuch publications as have a tendency to ſedition, and rewards are held out to informers.—Here again, zeal has ſtrangely expoſed prudence; and a miſchief is propagated by a blind endeavour to avert it. Juſt returned from the triumph of a late victory in eſtabliſhing the uncontrouled liberty of the preſs, by an act ſupported by the ſuffrages of the WHOLE NATION ſave THREE OPPOSING VOICES, there is now a precipitate determination to violate it; and a virtual declaration that the nation ſhall not have that privilege. And, inſtead of the three individuals who officially declared their hoſtility to it; and, therefore, had the eyes of the whole nation directed

to their conduct, endeavours are now uſed ſo to multiply its enemies, that its true friends may chance to be borne down and ſuffocated in the confuſion, as will appear;

3. When citizens are called on to unite in this aſſumed juriſdiction, with deſign to proſecute, puniſh, reward, &c. Is it then meant to be declared that the eſtabliſhed laws of the empire, which are ſo numerous as to give employment and fortunes to one hundred thouſand men engaged in the profeſſion, are, nevertheleſs incompetent to puniſh the offences of which cognizance is thus unconſtitutionally aſſumed; and as if there were no other juriſdiction? Under this impreſſion, every man is qualified and capable of becoming a vile corrupt informer and an incorrupt judge of libel and ſedition; and in the very ſame breath, again diſqualified from acting either as judge, juror, or witneſs, by ſummarily pre-judging and pre-determining offen-

ces

ces even before they have been committed. Thus, unwarily, all the pains are taken which ingenious men can take (and greater ingenuity was never more requiſite) to undo theſe extraordinary doings, by requiring every body to aſſociate; ſo that the probability is, that we may ſoon have offences to arraign without an unprejudiced magiſtrate before whom to arraign them; and offenders to try, without an impartial jury to decide.—Or, if otherwiſe, as all good citizens, not foreſeeing or reflecting on the conſequences of theſe implied evils, will have united in aſſociations which have for their object the pure ſupport of the king and conſtitution; by raſhly and injudiciouſly mingling the diſcordant principles of jarring and reſtleſs politics with profeſſions of loyalty,—by a poiſonous compoſition of loyalty, ſedition, and libel,—and by a treaſonable interference with the laws of the ſtate, we ſhall leave only ſuch of the ſuſpicious and diſaffected who may not find

employment as informers, to perform the diſtinct duties of magiſtrate and juror; and thus become the ſole arbiters and diſpoſers of all the informations, libels, ſeditions, riots, and tumults, which the influence and enticement of profered rewards, colluſion and ſecret combination may excite.

4. Neither are extraordinary denunciations againſt productions of ſeditious or libellous tendency, calculated to obtain the end which is promiſed. So far from correcting the miſchievous impreſſion, which ſuch productions are admitted to be capable of making on the public mind; by fulminatory denunciations, it is avowed that there is no ability to over-rule their influence and reaſoning; and, therefore, reſort is to be had to violent ſuppreſſion and ſummary condemnation. Theſe denunciations are ſo general and undefined, that it is impoſſible to ſay preciſely what doctrines may or may not be the marked

ed objects of indignation and reſentment.—If they go to queſtion the ſcheme of our conſtitution and government, I am decidedly of opinion, that the eaſieſt and moſt efficacious way would have been to expoſe the poiſon which the publications in queſtion might chance to contain; and to inſtruct uninformed Britons in the principles of the conſtitution. It is not the conſtitution that is bad, but the extravagance and intrigues of the people in power, which deform its appearance, and render it hideous to ſuch as ſee through a diſtant medium; and perhaps only judge of it by the payment of taxes. And this, poſſibly, there may be a greater deſire of ſuppreſſing, than all the libels and ſeditions, as well thoſe which have as thoſe which have not appeared. Doubts of our conſtitution can only proceed from want of knowledge; while to explain what the conſtitution really is, would be the infallible means of making thoſe who live under it ſenſible of the bleſſings they derive from it; and

of increaſing their attachment. Such is the deſign of this addreſs; and if it ſhould only tend to render one miſled citizen a convert to the ſolid bleſſings we poſſeſs, the object will be anſwered and my time amply requited. And here I ſhall conclude my obſervations on trial by jury with a ſolemn exhortation to my countrymen,—to emulate each other in fulfilling their duty, as Jurors, with alacrity, patience and cheerfulneſs, as the certain means of protecting each other againſt oppreſſion when attempted; of preſerving the dignity of our laws when offended; and as the infallible means, of maintaining the King and the People in that uninterrupted affection and harmony which are the reciprocal object and true intereſt of both.

SECTION

SECTION VI.

THE LIBERTY OF THE PRESS.

THIS object is ſo inſeparably connected, and interwoven with the general liberties, and welfare of mankind, as to command our moſt active and lively protection. The liberty of the preſs is indeed the grand cement and organ of ſociety;—the faithful channel by which all good works are promulgated, and bad ones cenſured and expoſed. It is the induſtrious and indefatigable agent for the inſtant circulation of particular intelligence, and for the deliberate diſſemination of general knowledge: the infallible ſupport of the honeſt, and ſafe reſort of the injured. It is the jealous avenger of wrongs; the vigilant guardian of rectitude. It diſtributes puniſhment to vice and rewards to virtue. It is an impenetrable ſhield againſt

againſt oppreſſion, and the ſoul of integrity.—It is, as it were, the diſcerning eye of the public, and reſpects and diſtinguiſhes men as their conduct intrinſically merits. It is the ſincere friend of freedom. The implacable enemy of ſlavery. The intellectual mirror of the univerſe deſigned to reflect happineſs on mankind, in which every man has an inherent property. And it is ſo inſeparably attached and affianced to trial by jury, that they are the immutable ſupport of each other; and ſo long as jurors ſupport the preſs, the preſs will ſupport jurors. It thus becomes the ſoul of all our perſonal liberties; and the national ſafeguard, without which the dogmatical mandate of an ambitious miniſter might be rendered the ſole arbiter of civil government and freedom; and that conſtitution which we ſo enthuſiaſtically venerate, ſoon become a dead letter.

Such are the virtues and diffuſive properties

ties of the preſs: ſuch the benefits it profeſſes to propagate throughout the world, to the unſhackled exerciſe of which is committed the enviable conſtitution of England! How rigid, then, ſhould we not be in maintaining and preſerving this univerſal vehicle of human wiſdom, in which the happineſs of the world and of generations yet unborn are ſo eſſentially involved! With what determination and ardour ſhould we not inſiſt on its free uſe; and, how reſentful ought we not to be on any abuſe likely to endanger it!—

Here again, my friends, let us pauſe, and unite in paying the grateful tribute of ſenſibility:—Let us hail the GUARDIAN GENIUS OF BRITAIN, to whoſe ſplendid talents we are indebted for this lately acquired ornament—the corner ſtone of that heavenly attribute, to which nature gave exiſtence, but ſelected him to emanate its virtue

tue and to interpret its intelligence, to the glorious purpoſe of encreaſing the happineſs of mankind!—Neither let us forget to applaud the valuable ſervices which in defiance of every diſcouragement and encreaſing difficulty, the cauſe derived from the long and unremitted exertions of the celebrated orator of the Engliſh bar, and which ſo forcibly contributed to its ſucceſs!—

As I have given my thoughts on the important uſe of the preſs, I ſhall offer ſome obſervations on the abuſe of it. I am well aware that ſo extenſive a bleſſing cannot be diffuſed in a world compoſed of human beings, without carrying along with it the misfortune of partial evil: yet, where much muſt neceſſarily be imperfect, we ſhould look only to the preponderance of the ſcale; and while that is in the favour of virtue, we ought not to be diſcontented. With regard to the evil, good ſenſe ſhould teach us, that violent coercion

cannot

cannot be the effectual mode of repreſſing it. Silence and contempt are the only weapons with which abuſes of the preſs in general ſhould be combated, and which never fail to inflict a mortal blow. Should, however, the depravity of the times ſo much ſway the minds of men as to induce them to circulate publications with a view to excite the people to reſiſt the civil magiſtrate, or to obſtruct the execution of the exiſting laws, ſuch publications are certainly deſerving the cenſure of ſociety, and the ſeaſonable puniſhment of the law:—but, the degree of that puniſhment and that cenſure ſhould, in all caſes, be determined by ſociety in its two-fold delegation of juries: I mean that the offences of the preſs, called libels,—like every outrage of the laws of ſociety, ſhould be ſubject to a ſimilar proceſs. This, I conceive, muſt have been the original meaning of our conſtitution. Whereas, ſuch offences of the Preſs as are deemed obnoxious to govern-

ment,

ment, are now proſecuted on *ex-officio* information by the attorney general, who is an officer of the crown, *wherever* or *whenever* he may be *ex-officio* inſtructed to carry his proceſs on iſſue direct, before a petty jury only.—So that the grand jury, that palladium of the liberties of England, "formed "from among ourſelves to ſecure us from un- "fair or unneceſſary proſecution," is in this inſtance ſuperceded. Nor do I conceive the alteration which I here ſuggeſt, at all oppoſed by the conſtitutional principles of Sir William Blackſtone, who ſpeaking of *ex-officio* proſecutions (vol. 4. page 308) deſcribes them to be, "ſuch enormous miſdemeanors "as peculiarly tend to diſturb or endanger "the King's government, or to moleſt or "affront him in the regular diſcharge of the "royal functions: for offences ſo high and "dangerous in the puniſhment or preven- "tion of which a moment's delay would "be fatal, the law has given to the

"crown

" crown the power of an immediate pro-
" ſecution, without waiting for any pre-
" vious application to any other tribunal."
Here Sir William Blackſtone clearly cannot mean promiſcuouſly to include proſecutions for every deſcription of Libel, fortuitouſly and conſtructively ariſing in " the free diſ-
" cuſſion and examination of the principles
" of civil government, and of all matter of
" public opinion."

An entire alteration, or ſome modification of the preſent practice, was never more neceſſary than at this time of innovation and unſettled opinion. The protection of the ſubject againſt intereſted ſuſpicion and unprovoked oppreſſion, is the more urgently called for, as ſince the eſtabliſhment of the aſſociations to reward informers againſt the circulation of productions of ſeditious tendency, &c. upwards of one hundred informations, (as I have been told, though I

ſhould

ſhould hope the number is ſomewhat exaggerated) have been preferred to the attorney general for *ex officio* proſecution; even during the ſitting of the GRAND JURY OF MIDDLESEX, in the centre of this metropolis; before whom two or three informations did however find their way; as it was naturally conceived to be the conſtitutional juriſdiction of the kingdom *.

* The time for proſecutions of libels, like thoſe on penal ſtatutes, ought to be limited: for, if the proſecution is not immediate, the evil, which, in the firſt inſtance, a jury might have arreſted, is circulated beyond that reach which is the object of preventative puniſhment. And it is doubtful, whether ſilence for a reaſonable time does not even ſanction a libel. Nor, is the miſchief of long delay at all confined to the original work, ſince every vender in its propagated ſtate becomes unwarily involved. It is to be hoped the aſſociations for rewarding informers on this ſubject, do not mean their denunciations to extend to venders of copies, before the Country, in the capacity of a Jury, have condemned the original: but, as I have before obſerved, it is almoſt impoſſible to define, either the objects of their diſapprobation, the parties likely to be exempt from their anger, or the intended extent of ſo deformed a juriſdiction.

Committing

Committing this ſuggeſtion to the judgment of abler men, I ſhall conclude the ſubject with an admonitory addreſs to ſome of the new formed aſſociations; in the hope of awakening them to a ſenſe of that unconſtitutional conduct into which their intemperate zeal has plunged them. As free Citizens of the ſame ſtate with myſelf, I truſt they will receive, without paſſion or prejudice, what I preſume to offer.

The profeſſed object of your aſſociations was to declare an attachment to the king and conſtitution; and, thus far, the inſtitution could not be too much commended. This was all that the particular exigence required; this you accompliſhed. And had you reſted there, your conduct would have claimed the unanimous ſupport of the nation. But, this laudable object was no ſooner obtained, than you corrupted its purity; and either overzealous, or ignorant,

or regardleſs of the means by which the deſired end was to be maintained, you adulterated your loyalty by mingling with it diſcordant politics; and undermined the conſtitution, by direct attempts to deſtroy the very ſoul of thoſe liberties, which are its beſt ſupport.

By correſpondence with each other, and by circulating ſuch prints only as tend to ſupport your own unſcrutinized doctrines: by condemning indiſcriminately all others as "libellous, or ſeditious, exciting to riot "or tumult," you every where ſet the moſt ſubtile engines in motion ſo far to deſtroy the liberty of the preſs, as to reſerve the excluſive abuſe of it to yourſelves. And you ſtill expect that theſe corrupted channels will poſſeſs ſufficient virtue to render every man a convert to the principles they promulgate. The people of a free ſtate are however not to be dragooned into affection

and

and reverence for ſuch opinions of "ſedition "and libel, riot, and tumult," as you may wiſh to eſtabliſh.

Be aſſured, that the liberty of the preſs, the "implacable enemy to ſlavery" is too firmly rooted in the heart of the world, to be ſhaken by any ſuch ſacrilegious efforts; that the happineſs of mankind is too deeply involved in its preſervation to withhold their moſt active faculties in its defence; and in branding its opponents with all the opprobrium attached to declared enemies of the human race. Be adviſed, and avert farther reprehenſion from this "jealous avenger of wrongs."—Retire from impending diſgrace; and purify your adulterated loyalty. Remember, that the liberties of theſe kingdoms are the ſole and infallible ſupport of the conſtitution; and that all ſocieties tending to undermine it are treaſonably hoſtile.——Haſten then, though late, to reſtore your-

ſelves to the dignity of citizens of a free ſtate.

SECTION VII.

THE REVISION AND SIMPLIFICATION OF THE LAWS OF ENGLAND.

" LAW is nothing but REASON REFINED, or REASON " REGULATED; the reſults of Counſel and Wiſdom, " after long and mature deliberation."

HAKEWELL—MOD. TENENDI PARLIAMENTI.

AS the good order of ſociety is the ſupport of every ſtate, ſo good laws form the eſſence of ſociety. Free governments more eſpecially inculcate theſe maxims.—The knowledge too of the laws ſhould be the eſſential ſtudy of individuals, ſince it is impoſſible for them to be obeyed, or ſociety to be undiſturbed by infringements, whilſt they are either unknown, or not thoroughly underſtood. Where the evil of

of doubtful laws exiſts, it is morally impoſſible that a people can be free from error. And hence ariſes the expedience of their ſimplification. Laws ſhould be reduced to the underſtandings of the moſt uninformed, who, in all populous ſtates, compriſe the great maſs of the inhabitants.—The object of philoſophical enquiry is the happineſs and proſperity of the human race. But, what can ſo materially affect that happineſs as an ignorance of the means by which it is to be promoted and ſecured; an ignorance that progreſſively encreaſes with population; by which ſociety gradually loſes the benefit of legal advantages, in proportion as her exigencies encreaſe; and the ſame cauſes too which ſwell the evil, augment the difficulty of the remedy.

On theſe principles it is my wiſh to ſuggeſt the neceſſity of a reviſion of the laws of England. That they are wiſe and good; have

been inſpired by virtue, and framed by integrity, are truths univerſally acknowledged. But they are known only to a few, and perhaps not perfectly comprehended by any. They are by time, incident, and the precautions of paſt ages to protect perſonal liberty and ſecure property, become ſo extenſive, that the life of man is too ſhort to obtain a perfect acquaintance with them. A fact continually exemplified by frequent declarations from the bench, and the doubts of the moſt able, learned, and profound lawyers. Hence, it is evident that civil law, which ſhould be open to the underſtanding of all, is become an abſtruſe ſcience, never wholly acquired by any; and as far as attainable, entirely confined to the ſmall circle of profeſſional men, become ſuch by expenſive education. Another evil is, that our code abounds with obſolete ſtatutes, which prove ancient and modern practice to be ſo much at variance, as to dictate the neceſſity either

either of expunging the one, or correcting the other. Nor is the influence of theſe evils confined to the profeſſion of the law; it extends to each department of the ſtate; and every corner of the conſtitution is more or leſs ſubject to it. We ſo often ſee the law called forth to interpret the conſtitution, that they are virtually at the mercy and diſpoſal of the few profeſſional gentlemen whom ſucceſs may have created general arbiters and referees, with competency to decide what is or is not law and conſtitution. It is far from my intention to inſinuate, that they are either unfit for the truſt—or have ſacrificed their duty to their intereſt:—but I am of opinion, that it is of too ſerious import to be ſo confided:—too ſacred to be depoſited with any but the people at large; and that it can never be too vigilantly watched or too delicately handled.—I contend, therefore, that the law and conſtitution ſhould be clearly and diſtinctly defined, and

ſo perfectly intelligible as to admit of explanation by every man who either can or cannot read; that whoever becomes liable to the penalties of infringement, ſhould at leaſt know how to avoid them; and that thoſe who are aggrieved in that property, the loſs of which probably may precede the the loſs of perſonal liberty, ſhould poſſeſs the means of legal defence in pleading their own cauſe if they chuſe it, without the neceſſity of ruining themſelves by the reſources of precarious technical aſſiſtance. Such was the ancient rule of theſe kingdoms, and, without doubt it ſtill prevails in remote parts of them; and, as, in this we may trace the origin of trial by jury, the difficulty of reſtoring this practice will appear leſs formidable. Trial by jury, originated in the aſſemblage of elders and neighbours of the ſame vicinage where queſtions aroſe, to hear grievances and to judge as their experience might direct: and here parties were confronted, each relating

ing his own tale in the language of unlettered ſimplicity. This was the uſage in their own vicinage; and, when carried from home to fair or market, (the general extent of their *foreign* concerns), if in their dealings, any diſputes or diſagreements aroſe, they immediately reſorted to the court of *piedſpoudres* (or duſty feet) at which the lord's ſteward, preſided; that term implying that their differences muſt be freſh, and, therefore moſt likely to be diveſted of deceit, falſehood, or impoſition.—Thus, it may be ſeen, that trial by jury, which originated more in neceſſity than deſign,—" is almoſt " coeval with the country, and that its very " inſtitution gave birth to an imperfect " conſtitution."

But, even in more modern times, and long ſubſequent to the diſcovery of printing, the ſame cuſtom of parties pleading for themſelves continued, until printed ſtatutes,

ſtatutes, introduced in a *foreign* language, became ſo multiplied that individuals were no longer competent to conduct their own cauſes; and it was this confuſion and incompetence that introduced ſcientific pleading. Hence, we may judge, how practicable it would now be, ſo far to revert to the ancient cuſtom, as for individuals unattended by counſel, to relate their own wrongs before a jury of liberal Engliſhmen; and for that jury to decide thereon. If, then, this be poſſible, where lies the objection? The impracticability indeed can only exiſt in the number and abſtruſeneſs of our ſtatutes; for, the people are not leſs competent to relate, or juries to hear and underſtand, than formerly. The advantages of the preſs have been diffuſed to all claſſes of ſociety; for even thoſe who cannot read, have greater opportunities of hearing; and, conſequently, the general underſtanding of the people muſt be proportionably enlarged:

enlarged: ſo that it is evident complainants as well as juries poſſeſs ſtronger powers of relating, comprehending, and deciding, than in more ſimple ages. Another advantage, which this practice would indiſputably poſſeſs, is, that caſes would be perfectly genuine, and leſs liable to that miſtatement, which is the inevitable conſequence of a recital running through many channels. An individual, who has a caſe at law, muſt, by the preſent mode, firſt relate it to his Solicitor—the Solicitor to Counſel—and the Counſel to the Jury. In each of theſe ſtages the original ſtory loſes ſomething of its energy: and the man who ſtarts with a good cauſe, ultimately finds its ſubſtance ſo waſted or evaporated during a circuitous progreſs, as to leave only its ſhadow to be decided on *.

Of

* A perſon neceſſitated to appeal to the laws of his country, is firſt obliged to add to the eſtabliſhment of his expence, that of a Solicitor, for whoſe time and ſervices he

Of this, if preſent at the trial, he has too frequently the mortification to be ſenſible, and he is almoſt the only one debarred from interference. Whereas, had he been allowed to tell his own ſtory to the jury, this could never have happened; conſequently, he retires indignantly, and with ſorrow from the ſcene, diſcontented with

he muſt pay, as well as for thoſe of his clerks. He is next alſo obliged to pay this Solicitor for the employment of two Barriſters and their clerks. And, when his cauſe is brought into Court, he muſt then contribute to the maintenance of the officers of that Court. All this time he is unceaſingly contributing to the purſe of the ſtate by ſtamps, paper duties, &c. Terrified with this burthenſome expence, he will be ſtrongly prompted to aſk himſelf, how long it is likely to laſt. He now finds, that all the preceding grievances are comparatively trifling, and unworthy his uneaſineſs; for, irretrievably involved, he perceives the cauſe is no longer his own, but entirely at the diſpoſal of his Solicitor, as are poſſibly all his fortunes along with it. His intereſt indeed is become ſecondary only; and having no claim on the perſonal affection of his Solicitor, his reliance againſt impending deſtruction is ſolely on the ability and reſponſibility, which may attach on the profeſſional character he has employed.

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the law, and poſſibly ruined by its deciſion.

When a man muſt have recourſe to the laws of the ſociety in which he lives, by the ſimplicity of thoſe laws he ought, at leaſt, to be enabled to ſee his way through them; inſtead of involving himſelf, as at preſent he inevitably muſt, in a dark inextricable labyrinth.

The ſupport of all the liberal part of the profeſſion may at leaſt be looked for, whoſe ſuperior ſenſe and integrity oppoſe prejudice, and whoſe purſuits are conſcientiouſly regulated by their profeſſional motto"—for the benefit of mankind."

By converſation with ſeveral of them on the ſubject, I have the ſatisfaction from authority to expreſs their unanimity of ſentiment: " that a careful reviſion of our laws " is highly expedient, and would ſo ſimplify

" legal

" legal proceſs, as greatly to reduce the ex-
" pence, and render it eaſy of acceſs to all;
" though they confeſs that ſome impediment
" would ariſe in the branch of conveyancing,
" owing to the various exiſting diſtinctions
" in the tenure of property." I ſee encouragement then, on which to congratulate my country on ſome proſpect of the accompliſhment of their wiſhes; and am myſelf perfectly perſuaded, that the branch of conveyancing may be as ſuſceptible of conciſe modification as any other part of our ſyſtem of juriſprudence; and that an eſtate may be conveyed as ſecurely in one as in one hundred ſkins of parchment—in ten lines as in ten thouſand; of which I have lately ſeen many inſtances under a ſhort aſſignment of title-deeds, purpoſely deviſed and adopted to avoid the enormous expence of a formal conveyance in full legal extent; *cuſtomarily*, and, therefore I ſuppoſe *neceſſarily*, enumerating and recapitulating poſſeſſors and deeds for a century paſt.—

paſt.—Why the poſſeſſion of title-deeds, and a receipt for the money, under a conciſe conveyance, ſhall not ſecure property as effectually, as ſuch recapitulatory deeds now in uſe; —and why an act of the legiſlature ſhould not ſanction a ſummary practice, I ſubmit to the conſideration of the community*.

The extraordinary aſſertions of ſome of the declaratory ſocieties, induced me to en-

* Let us advert to a deed of conveyance called an Engliſh POTTAH or title-deed, now in uſe in our ſettlements in India, the depoſit of which, under a form of mortgage, equally conciſe, is implicitly accepted as ſecurity for money. The value of the land is known by its ſituation. The deed is regiſtered, and runs as follows: " A Pottah is hereby " granted unto John Doe, of Lincoln's Inn, for one " hundred acres of land, ſituate, lying, and being in the pa- " riſh of Mimms in the county of Herts, the land-tax of " which is 16l. 6s. 8d. per ann. This land was the property " of Richard Roe, of Gray's Inn, who acknowledges to have " received the full conſideration agreed on for it, and now " relinquiſhes all claim unto the ſaid John Doe and his " heirs for ever."

The whole expence of conveyance and regiſtering does not exceed fifteen pence!!!

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ter on this ſubject, which is treated as a cauſe of extreme hardſhip, calling aloud for reform: but from the difficulty of the ſubject, it is, probably, the leaſt likely to undergo that deliberate and diſpaſſionate diſcuſſion, which alone can effect it. To that end, I have however endeavoured to do, what, thus far, has appeared my duty as an individual.

I ſhall now cloſe this head with recommending to the people of England, to ſignify their wiſhes by inſtructions to their reſpective repreſentatives in parliament, whoſe immediate province it is, to explore and reviſe all the laws, for the purpoſes of ſupporting the good, amending thoſe that are bad, and propoſing new ones. To enable them to do which, the nation allows a very competent eſtabliſhment of law-officers. Till that deſirable end be accompliſhed, I ſhall take the liberty of reminding all my fellow-citizens,

whom

whom the formidable chaos of our laws may diſcourage, to ſeek redreſs by another mode, and to reſort to friendly and brotherly references of arbitration, in a JURY of Two or THREE, without the formal and expenſive intervention of Courts, Judges, Counſel, and Solicitors, inſtead of a JURY of TWELVE which cannot aſſemble without them. This is a conduct which the great mercantile body of London aſſociated at Lloyds have moſt ſtrongly recommended by their example.

SECTION VIII.

THE PEOPLE's WEIGHT IN THE GOVERNMENT, RESPONSIBILITY OF MINISTERS, AND CONCLUSION.

IN endeavouring to perform what I deem a duty, I ſhall not apologize to my fellow-citizens for treſſpaſſing on their time, in the diſcuſſion of the prominent features of the Britiſh conſtitution. I ſee ſo many real and ſolid advantages that I am concerned to think they ſhould not be better underſtood. It was deſigned by our anceſtors, and it can only be the intention, that every citizen ſhould alike feel and partake of them; and if he does not, I am perſuaded that it muſt proceed from a want of the proper knowledge.

Why ſhould ENGLAND, at this time, be leſs

leſs the object of our admiration and affection than at any former period? Not on account of her antiquity; for years have added to her value! It cannot be, that ſhe is no longer willing to adminiſter relief to the poor and helpleſs, or to employ the young and active in her arts, manufactures, navigation, and commerce! It cannot be that, under a ſyſtem of protecting laws, her independence is eſtabliſhed. Neither can it be, becauſe all theſe bleſſings are happily diffuſed among the people by a gracious Sovereign!!—whoſe manifold virtues, whether contemplated as a huſband, a father, or a friend, both in his public and private character, are undeniable, and whoſe ſole motives are unbounded humanity and affection!

An idea has been induſtriouſly circulated, that the people are deſpiſed as a multitude and cyphers in the ſtate. The poſi-

tion I ſhould hope to be impoſſible; and the face of the country ſtamps it ſo. A view of the government evidently manifeſts that, although the eſtabliſhed plan of its adminiſtration delegates authority to ſeparate eſtates, in the character of truſtees for the community, there can actually be but *one*, and, politically, only *two* parties,—the KING and the PEOPLE; and that there does not exiſt a middle claſs. For, what are the nobility but a ſmall number ſuppoſed to be ſelected and dignified by their virtues and ſervices, and politically entruſted, for the BENEFIT of the PEOPLE, with the intermediate ſituation of a COUNCIL and JURY of the NATION?

The People are the real and ſolid ſupport of the ſtate; and inſtead of not exiſting any where, they are to be ſeen in all ſtations, as the prominent figure in the ſcene. Are they in the management of the government?—

there

there can be no government without them. Are they poſſeſſed of power? They are,—as being the national truſtees conſtitutionally appointed by their popularity. Do they make laws for the State? They *wholly* poſſeſs, in their Houſe of Commons, the department which can *dictate* laws. Do they judge of the breaches of thoſe laws? We find them in the character of JURORS interpreting and ſupporting what they themſelves have enacted as LEGISLATORS. Are their deciſions to be fulfilled? We find the people at once obeying and executing; and that without *their* ſervices, breaches of the laws would render laws inefficient. Are the people aggrieved? We ſee them appealing to *themſelves* in that department of the ſtate in which they are purpoſely ſtationed to defend their liberties, to redreſs their own grievances; and by checking the popular truſtees in the abuſe of power, and upholding the other two Eſtates, as the certain means of

averting oppreſſion and diſcontents, we behold the people preſerving that conſtitution which is the baſis of all. Are the people in all the public offices and departments of the ſtate? Without them the doors of no aſſembly would be unlocked. Are they employed in the army and navy? Without them, there could be neither. Do they cultivate the land and employ the manufactures for their own benefit?—Without ſuch aſſiſtance the firſt would be unproductive, and the latter fall into decay.

POPULARITY which is another term for the GOOD-WILL of the PEOPLE, is indeed the proud prize of all men:—the *great* ſtruggle of ſtateſmen:—the only CONSTITUTIONAL method by which they can or ought to become the miniſters of the people entruſted with the managemcnt of the ſtate.

When grievances are felt, the conſtitution which

which tells us, " that the King can do no wrong,"—teaches us alſo, that the cauſe is only to be looked for, and can be found but among the PEOPLE:—and in order to aſcertain, in what claſs of them, we have but to enquire of OURSELVES, who, among us, has the power to inflict grievances? Or, *who*, being in poſſeſſion of power, has the opportunity of abuſing it?—And, in this enquiry we are, firſt, directed to thoſe individuals of the people, whoſe POPULARITY created them the TRUSTEES of the executive power; and we ſhall next advert to ſuch part of them as have been ſelected to fill that department of the ſtate, whoſe inſtitution was deſigned as a CONTROUL FOR THE PEOPLE. And, it is here we ſhall diſcover the ſource of the evil.

By thus inveſtigating the cauſe, we have new reaſons to admire the well deſigned order of our conſtitution; and ſhall find our

ſyſtem ſo perfect, that theſe departments cannot err ſeparately: they can only do ſo together and by connivance: for, if the truſtees of the executive power abuſe their truſt, the controuling power, with no leſs wickedneſs, muſt betray theirs. If each perform its controuling functions, neither can be wrong; and no cauſe of grievance or diſcontent can poſſibly exiſt. For, when they do exiſt, they can only proceed from ſuch a colluſion and combination of the executive and reſtraining truſtees againſt the people at large, as ſubverts the fabric of government. It is here therefore, whenever the ſtate becomes diſordered, that the people muſt direct their attention; and, as they wiſh the conſtitution to be preſerved, muſt apply the remedy:—to effectuate which, they have the choice of two conſtitutional alternatives; one of which refers to their repreſentatives; and the other to the crown. They may admoniſh their reſpective members individually,

or

or apply to them, in their collective capacity, by petition:—and they can alſo legally, entreat his majeſty, to refer the remedy to the people at large, by putting an end to the truſt of their repreſentatives by a diſſolution of the parliament.

The well known principle of our conſtitution, "that the King can do no wrong," can never be too often repeated, or too ſeriouſly inculcated:—no ſyſtem of ethics ever contained a ſtricter truth: for, our conſtitution is ſo wiſely founded on popular principles, that the king has but the power of doing Good. Miniſters only are reſponſible to the nation at large for every thing that is wrong, be the cauſe what it may; their truſt and nomination meaning this or nothing. And thus they enter on their duties, under the ſevereſt penalties to which men can poſſibly be ſubjected. It is, however, to be lamented, as perhaps the leading cauſe of national

national calamities, that authority once obtained, miniſters do not always recollect, either that they are the ſervants of the community, or even remember the objects which induced the people to truſt them. Some men poſſibly conſider conſiſtency of conduct as incompatible with the dignity of general confidence: and few, indeed, are the inſtances where the allurement of ſtation has been deliberately rejected on a rigid principle of duty. Were the miniſters of the people more faithful, or as upright as they muſt be when dependant on popular ſupport, convulſion would have been leſs known, calamity ſcarcely felt, and animoſity among nations had long ſubſided.

The Britiſh government can alone inſpire the hiſtorian with pride to communicate to poſterity, that amid *ſcientific* corruption, when the repreſentatives of nations virtually acted on a ſyſtem of defection, the people

people of England had the glory to elect a miniſter, who,—faithful to VIRTUE and HIMSELF! apprehending a conſpiracy among the other truſtees againſt thoſe intereſts which the *vox-populi* had ſtationed him to defend, and ſcorning to become a party, he honourably ſounded the alarm, and reſigned a function that could only prove advantageous to himſelf*. How oppoſite to this is the conduct of miniſters in general, be their country or the nature of their government what it may. Poſſeſſed of power, they ſoon become willing to conſider it as committed to them for their

* In March 1782, Mr. Fox was choſen Secretary of State. In July following, finding a majority of the cabinet oppoſing the expectations of the Nation, he reſigned. In April 1783, the voice of the People replaced him. With the loſs of his India Bill, he again quitted his ſtation. That Bill would alone immortalize him! Though ſupported by the almoſt unanimous applauſes of the Houſe of Commons, it was overruled in the Honſe of Lords. It is *now* ſeen, that the operation of that Bill would have produced *a relief of the burthens of the People to the amount of three millions annually.*

own private advantage, and the ſupport of their partialities and friendſhips. Their exertions no longer deſcending to the relief of public burthens, are converted into a ſyſtem of finance. And merit alone conſiſts in extent of the Exciſe, aſſeſſment, and contribution. Treaſure is amaſſed from the labours and induſtry of the people. And, the monſter thus torn from their bowels and exhibited to view! they are taught to admire and to adopt it, as the happy fruit of miniſterial talent.—Miniſters have, however, theſe treaſures at their diſpoſal, and uſe them but as the means of their own ſupport. When we ſurvey a Houſe of Repreſentatives, whoſe duty it ſhould be to prohibit abuſe of power, and waſte of money, we ſee men with views and paſſions to gratify: and who even go into the aſſembly in purſuit of places, penſions, and honours. The application of theſe ſources of corruption, ſupported by extenſive armed eſtabliſhments, frequently conſtitute the

the whole ſcience of government. And the power to conduct it thus left indefinite, its operation will ever be directed to create finance, in order to multiply patronage, and ſo perpetuate its own exiſtence.

It is thus that miniſters too often become *the ſole arbiters of their own conduct*, and like the Decemviri of Rome, heſitate not to unmaſk and maintain their ſituations at all hazards. It is thus, that callous to remonſtrance, they revile and employ hirelings to decry the conduct of men capable of expoſing them as a means of removing oppoſition. They ſtrive to blind the People againſt their true friends, and to ſow diſſention among them, by obloquy, invective, and falſe imputations. Individuals of them are ſometimes ſeen threatening the cabinet with retiring on their thus acquired popularity, as a means of commanding acquieſcence to obnoxious meaſures: ſometimes terrifying the people with

with the force of prerogative. And even under portending conflict to the country, ſtipulating and contending among themſelves for the ſelection of places or the extent of corrupt influence!

Such practices in any ſtate only warn us to be circumſpect in our own, and to feel the happineſs of being able to avert them.—Whenever, therefore, attempts are occaſionally made to ſet the King and the People at variance; by inducing the King to doubt the fidelity of the people and the people to be jealous of the royal prerogative, we ſhall be juſtified in our conſtruction of the motives of ſuch conduct, in our intermediate agents; and thus trace with certainty the ſource of our wrongs. Whatever may be the cauſe of our ſufferings, we are directed by the conſtitution to look for it among miniſters, with whom alone our controverſies muſt be. To what elſe can we attribute all the miſeries

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and bloodſhed with which England has at any time been afflicted? Our hiſtory indeed affords but one inſtance of any conteſt really and wholly between the King and the People. I refer to the ſecond James; and here the inequality was ſo great (which it will always be under ſimilar circumſtances) that in order to decide it, the people had but to declare their determination, and to leave the King a free paſſage by which quietly to effect his eſcape. The caſe of Charles the firſt was different. It was not a conteſt between the King and the People. It was a ſtruggle between the vicious part of the community, and individuals feeling and acting like men determined on freedom. The former partook of, and, therefore, were attached to a ſyſtem of tyranny and ſlavery, concealed under the diſguiſe of divine right, paſſive obedience, and non-reſiſtance. To theſe there ſprang up a third, and ultimately the prevailing party. This, which had been enabled

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to erect a ſtandard with the inſtruments and from the diſcords of the other two, was, through the ignorance of the People, ſcandalouſly ſuffered to ſtab the conſtitution, by pardoning, or rather overlooking thoſe miniſters and abettors of the deceived King, whoſe lives ſhould have been the juſt forfeit; and inhumanly butchering the Sovereign in defiance of his inviolability. The people at large were doomed unavailingly to repine until the period of the Revolution.

I repeat, therefore, what I ſhould feel myſelf happy if I could ſo engrave on the heart of every one, that it ſhould extend itſelf with time, ſpurn at all inſidious and corrupt attempts to create a jealouſy of our beloved ſovereign. In every inſtance of the kind, his exemplary virtues ſhould ſtigmatize ſuch efforts with the odium of treaſonable falſehood. It is only the intermediate truſtees of power appointed by ourſelves and accountable

accountable to us for their conduct, of whom we have to be jealous; who when we enable them to fulfil their moſt ſolemn pledges for our benefit, ſcornfully forget the hand which foſtered them, and the return due to it; and, thenceforward, only deviſe means beſt calculated to ſtrengthen themſelves under ſuch pretences and ſubterfuges, as the undefined branches of our conſtitution may furniſh to their ingenuity.

Confide, then, in your King, he is the conſtitutional defender of liberty; and the watchful guardian of your happineſs: but, ſuffer not your attention to be aſleep to the conduct of ſuch of your intermediate agents ſtationed as his Miniſters: they alone have the power to injure; and equally poſſeſs the means of deceiving the King, and of impoſing on you. Were theſe agents always as vigilant, faithful and diſintereſted, as you are active in encouraging them by your con-

fidence, domeſtic tranquillity would not be liable to violation, or ſurprize; nor could any impudent intrigue, or coarſe, inſulting impoſition be attempted to ſow diſcord; to proſcribe ſome as rebels; and brand all with diſaffection, inſurrection, and ſedition. In a free ſtate, a general ſearch warrant,—incomplete only in legality, is backed by the terrific influence of office, and the hovering menaces of military force,—while the people themſelves indignantly defy the teſt! And at the ſame time prove themſelves good citizens throughout the nation, ſtruggling who ſhall be the firſt to exhibit the pureſt loyalty, the moſt exemplary attachment to the conſtitution, and the moſt rigid ſubordination to legal magiſtrates and to the exiſting laws!

Artifices of the groſſeſt complexion, when ſanctioned by authority, eaſily command the credulity of the people. The extraordinary

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and abrupt manner in which parliament was convened, countenanced the late deluſion:—and, judging by events, individuals might be induced to conceive the whole as a pre-concerted plan inſidiouſly contrived to operate as a cover for ſecret purpoſes, which, conſiſtently with the public pledge of neutrality, dared not to be avowed, but which diſtant continental connections might eaſily lead us to conjecture. It is eaſy to deceive,—difficult to undeceive; and this difficulty encreaſes in proportion as the original artifice has ſpread. But, in this inſtance, what expoſes the deluſion, is a review of the meaſures which have been adopted; the ſhort ſitting of parliament; the failure of an houſe when it had been appointed to meet; the almoſt inſtant adjournment in the midſt of alledged danger; and that too for as long a period as in times of uninterrupted tranquillity;—had there been any real foundation for an apprehended convulſion, the ſteps taken were in-

ſufficient to the avowed object. But the adjournment of parliament, has, unequivocally declared to us, that more was not requiſite. If the alarm had not been previouſly ſuppreſſed, or the political feint exploded, the removal of which was the avowed object of our national conſtituents aſſembling, ſurely they would never have adjourned themſelves. Safety of the ſtate, and duty, had forbidden it. The ſitting of parliament always inſpires the nation with confidence; it is the ſtationary *feugal* from whence the people take their motions; and the late ſudden call of it was wholly in that ſpirit. And its early adjournment clearly manifeſted, that the *ſtorms* of the ſtate were not alarming.

Although the general tremor of apprehenſion has ſubſided, the miſchievous impreſſion it has left on the public mind is much to be deplored; and it is more than ever

ever incumbent on us to be circumſpect in performing our reſpective duties, by which alone the people can effectually recover their wonted weight and dignity ; and the proper balance of government can be reſtored. It is an evil peculiar to a popular government, that in all extraordinary caſes it is liable to be hurried into extremes by the artifices of deſigning men, who deriving confidence from ſuppoſed probity, whenever they depart from that character to ſuit the neceſſity of the moment, it is under an artful diſguiſe only that they prevail, and it is ſo long before the conſternation ſubſides, that the correction of the miſchief becomes next to impracticable. Under ſuch an undue influence, a middle way, between licentious oppoſition and ſlaviſh ſubſervience, is difficult. For as the one party acquires, the other proportionably loſes ſtrength ; and the reſult generally is ſuch an abſolute preponderance on one ſide, as to be little ſhort of annihilation

nihilation on the other. In ſuch a conjuncture, thoſe who exert themſelves to correct a ſyſtem ſo deſtructive in its operation to the order of the ſtate, are the true friends of both, and merit diſtinguiſhed rewards from their country. Our late agitation evinces this truth. We have ſeen attachment to the conſtitution teſtified at the expence of freedom; and we have ſeen the cenſure of a ſingle book, even before its merits had been decided on by the law, conſidered as a ſignal for a ſyſtematic exertion to annihilate the liberty of the preſs, that grand luminary, which has already reſcued, and which only can preſerve the world from ignorance and ſlavery. By this outrageous attack the rights of mankind have received a wound, to be healed only by the foſtering hand of juries, and by an accurate and nice diſcrimination of their duties and juriſdiction.

BRITONS! We cannot too ſacredly venerate

nerate our preſent conſtitution, the governing principles of which are in full vigour and luſtre, and only vulnerable when we neglect to perform our duty in defending the true balance between liberty and prerogative, as eſtabliſhed by law. We never can too highly value our now unlimited right of trial and deciſion by Jury, which it depends on ourſelves to maintain; and ſo long as we preſerve it in its purity, it will ſupport our liberties, though every other branch of the conſtitution ſhould periſh. We never can atone, either to the preſent, or to generations yet unborn, for ſuffering an injury to be committed againſt our juſtly-boaſted birth-right—the liberty of the preſs. And our unbounded power as jurors, purpoſely created for its protection, will render us the more criminal, if we betray that ſacred truſt. We cannot be too watchful over the truſtees of power, nor too ſcrupulouſly contraſt their engagements to obtain our confi-

dence,

dence, with their manner of fulfilling their obligations. We never can too ſeriouſly reſent any unconſtitutional interference of a military power, which ought to have no ſtrength but againſt the enemies of our country.—Nor can we be too tenacious of public freedom, which is but a temporary bequeſt to be tranſmitted undiminiſhed to our children. We can never be too confident in a King, who ſteadfaſtly reſts his throne on the affections of the People; nor too zealouſly maintain the LIBERTY of BRITAIN;—the protection of which, ſays Judge Blackſtone, "is a duty "which the People owe to themſelves, who "enjoy it;—to their anceſtors, who tranſ-"mitted it down; and to their poſterity, "who will claim at their hands, this, the "beſt birthright, and nobleſt inheritance of "mankind."

FINIS.